

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SAMARA SIMEON,

Plaintiff,

-v.-

T&CKELLY LLC, *also known as T&C Deli*,

Defendant.

16 Civ. 8716 (KPF)

**ORDER**

KATHERINE POLK FAILLA, District Judge:

Plaintiff filed the Complaint on November 9, 2016. (Dkt. #1). On November 10, 2016, the Court issued electronic summons for service on Defendant. (Dkt. #4). To date, Plaintiff has failed to provide proof of service of the summons on Defendant. Federal Rule of Civil Procedure 4(m) states that, if a defendant is not served within 90 days after a complaint is filed, the court must dismiss the action without prejudice or order that service be made within a specified period of time. In light of the amount of time that has passed since Plaintiff filed the Complaint, during which time Plaintiff has taken no action to prosecute this case, the Complaint is hereby DISMISSED without prejudice pursuant to Federal Rule of Civil Procedure 4(m)

The Clerk of Court is directed to close this case.

SO ORDERED.

Dated: March 20, 2020  
New York, New York



KATHERINE POLK FAILLA  
United States District Judge